

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 1999" (Rept. No. 105-345).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Henry L. Solano, of Colorado, to be Solicitor of the Department of Labor.

Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Thomasina V. Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2003.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003. (Reappointment)

Paul M. Igasaki, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2002. (Reappointment), to which position he was appointed during the last recess of the Senate.

Ida L. Castro, of New York, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2003.

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1999.

Joy Harjo, of New Mexico, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

Joan Specter, of Pennsylvania, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

Patricia T. Montoya, of New Mexico, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Romulo L. Diaz, Jr., of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

J. Charles Fox, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Norine E. Noonan, of Florida, to be an Assistant Administrator of the Environmental Protection Agency.

Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy for a term expiring October 6, 2004. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Charles G. Groat, of Texas, to be Director of the United States Geological Survey.

Gregory H. Friedman, of Maryland, to be Inspector General of the Department of Energy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KEMPTHORNE:

S. 2512. A bill to establish a National Resources Institute at the Idaho National Engineering and Environmental Laboratory; to the Committee on Environment and Public Works.

By Mr. SMITH of Oregon:

S. 2513. A bill to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 281. A resolution to authorize testimony and representation of employees of the Senate in *United States v. Alphonso Michael Espy*; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KEMPTHORNE:

S. 2512. A bill to establish a National Resources Institute at the Idaho National Engineering and Environmental Laboratory; to the Committee on Environment and Public Works.

NATIONAL RESOURCES INSTITUTE LEGISLATION

• Mr. KEMPTHORNE. Mr. President, today I introduce the Natural Resources Institute legislation. Congressman CRAPO, who represents the second Congressional district in my state of Idaho, introduced the Natural Resources Institute legislation in the House, on September 17, 1998. I believe this legislation will help find solutions to many of the problems that affect the health of our environment.

This country is faced with the challenge of protecting the environment, while maintaining economic growth. The use of our nation's natural resources touches all of our lives every day. However, this use has left a legacy of fragmented land-use and regions of environmental degradation, including areas in my home state of Idaho.

Unfortunately, there has not been a comprehensive and coordinated effort to address these environmental issues or an organized effort to help other communities from making similar mistakes. I believe that many of these problems could be avoided if the communities faced with land-use decisions had access to sound scientific research.

The Natural Resources Institute Act, utilizing expertise from national laboratories and universities, will provide communities with access to sound scientific research when making environmental and land-use decisions. In addition, the Natural Resources Institute Act will coordinate research efforts to solve real-world environmental problems. It will be particularly helpful in addressing problems associated with agriculture, logging, grazing, hydro-power, fishing, mining, recreation and other natural resource activities.

Mr. President, I believe this important legislation gives state and local governments the necessary tools to make sound informed decisions regarding land-use decisions. I would like to commend Congressman CRAPO for his leadership on this important issue. •

By Mr. SMITH of Oregon:

S. 2513. A bill to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; to the Committee on Energy and Natural Resources.

OREGON PUBLIC LAND TRANSFER AND PROTECTION ACT OF 1998

• Mr. SMITH of Oregon. Mr. President, today I am introducing legislation to transfer the administrative jurisdiction over certain lands within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange Oregon and California Railroad grant lands (O and C lands) in Oregon. The bill represents a thoughtfully crafted compromise agreed to by the majority and minority in the other body, and the O and C counties and the timber industry in my state.

Title I of the bill would consolidate the management over certain parcels of federal land by transferring jurisdiction over these parcels between the Forest Service and the Bureau of Land Management. The status of any O and C lands transferred will not change, regardless of which agency has jurisdiction over the lands following the transfer. This is not a land exchange in the traditional sense, but rather the transfer of jurisdiction between two agencies of lands already in federal ownership. It is my understanding that the Administration supports this transfer.

Title II of the bill provides that, over successive ten-year periods, there will be no net loss of acres designated as O and C lands. These lands are somewhat unique in the federal inventory, and are managed in accordance with the

Act of August 28, 1937, and other applicable federal statutes.

There have been concerns on the part of the O and C counties that the O and C lands will be used by the federal government in land exchanges and sales, thereby diminishing the total acreage over time. Since the counties rely on revenues from these lands, it is important to clarify that it is the intent of Congress that the acreage remain constant.

Mr. President, this bill is non-controversial, and I would ask for the support of my colleagues on enactment of this measure before the end of this Congress. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Oregon Public Land Transfer and Protection Act of 1998”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public land in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

Sec. 201. Definitions.

Sec. 202. No net loss of O & C land, CBWR land, or public domain land.

Sec. 203. Relationship to Umpqua land exchange authority.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LAND IN OREGON.

(a) **TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.**—

(1) **LAND TRANSFER.**—The public domain land depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon, is added to and made a part of Rogue River National Forest.

(2) **ADMINISTRATIVE JURISDICTION.**—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) **MANAGEMENT.**—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the “Weeks Law”) (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(b) **TRANSFER FROM NATIONAL FOREST TO PUBLIC DOMAIN.**—

(1) **LAND TRANSFER.**—The Federal land depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 1,632 acres within the external boundaries of Rogue River National

Forest, is transferred to unreserved public domain status, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) **ADMINISTRATIVE JURISDICTION.**—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) **MANAGEMENT.**—Subject to valid existing rights, the Secretary of the Interior shall administer such land under the laws (including regulations) applicable to unreserved public domain land.

(c) **RESTORATION OF STATUS OF CERTAIN NATIONAL FOREST LAND AS REVESTED RAILROAD GRANT LAND.**—

(1) **RESTORATION OF EARLIER STATUS.**—The Federal land depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest, is restored to the status of revested Oregon and California Railroad grant land, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) **ADMINISTRATIVE JURISDICTION.**—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) **MANAGEMENT.**—Subject to valid existing rights, the Secretary of the Interior shall administer the land described in paragraph (1) under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws (including regulations) applicable to revested Oregon and California Railroad grant land under the administrative jurisdiction of the Secretary of the Interior.

(d) **ADDITION OF CERTAIN REVESTED RAILROAD GRANT LAND TO NATIONAL FOREST.**—

(1) **LAND TRANSFER.**—The revested Oregon and California Railroad grant land depicted on the map entitled “BLM/Rogue River N.F. Administrative Jurisdiction Transfer” and dated April 28, 1998, consisting of approximately 960 acres within the external boundaries of Rogue River National Forest, is added to and made a part of Rogue River National Forest.

(2) **ADMINISTRATIVE JURISDICTION.**—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) **MANAGEMENT.**—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(4) **DISTRIBUTION OF RECEIPTS.**—Notwithstanding the sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the land described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(e) **BOUNDARY ADJUSTMENT.**—The boundaries of Rogue River National Forest are adjusted to encompass the land transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on the map entitled “Rogue River National Forest Boundary Adjustment” and dated April 28, 1998.

(f) **MAPS.**—Not later than 60 days after the date of enactment of this Act, the maps described in this section shall be available for

public inspection in the office of the Chief of the Forest Service.

(g) **MISCELLANEOUS REQUIREMENTS.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) revise the public land records relating to the land transferred under this section to reflect the administrative, boundary, and other changes made by this section; and

(2) publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to the land.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

SEC. 201. DEFINITIONS.

In this title:

(1) **O & C LAND.**—The term “O & C land” means the land (commonly known as “Oregon and California Railroad grant land”) that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) **CBWR LAND.**—the term “CBWR land” means the land (commonly known as “Coos Bay Wagon Road grant land”) that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) **PUBLIC DOMAIN LAND.**—

(A) **IN GENERAL.**—The term “public domain land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) **EXCLUSIONS.**—The term “public domain land” does not include O & C land or CBWR land.

(4) **GEOGRAPHIC AREA.**—The term “geographic area” means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR PUBLIC DOMAIN LAND.

IN carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area, and the number of acres of O & C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of enactment of this Act.

SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AUTHORITY.

Notwithstanding any other provision of this title, this title shall not apply to an exchange of land authorized under section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.●

ADDITIONAL COSPONSORS

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 1307

At the request of Mr. DASCHLE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1307, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits and to extend continuation coverage to retirees and their dependents.

S. 1362

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1362, a bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program.

S. 1924

At the request of Mr. MACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 2162

At the request of Mr. MACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2162, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 2222

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2338

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2338, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 2354

At the request of Mr. BOND, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment

systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2371

At the request of Mr. LOTT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2371, a bill to amend the Internal Revenue Code of 1986 to reduce individual capital gains tax rates and to provide tax incentives for farmers.

S. 2392

At the request of Mr. BENNETT, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. SMITH), and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 2392, a bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000.

S. 2412

At the request of Mr. BURNS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 281—TO AUTHORIZE TESTIMONY AND REPRESENTATION OF EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas, in the case of United States v. Alphonso Michael Espy, Criminal Case No. 97-0335, pending in the United States District Court for the District of Columbia, a trial subpoena has been served upon Galen Fountain and Jo Nobles, employees of the Senate, and Leslie Chalmers Tagg, formerly an employee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee from whom testimony may be required, are authorized to testify in the case of United States v. Alphonso Michael Espy, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee of the Senate, in connection with testimony in United States v. Alphonso Michael Espy.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

DODD AMENDMENT NO. 3614

Mr. DODD proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. . PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.—Section 541(b) of title 11, United States Code, as amended by section 403 of this Act, is amended—

(1) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(2) by inserting after paragraph (6) the following:

“(7) except as otherwise provided under applicable State law, any funds placed in a qualified State tuition program (as described in section 529(b) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief or

“(8) any funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief.”.

FEINSTEIN (AND OTHERS)
AMENDMENT NO. 3615

Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. JEFFORDS) proposed an amendment to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. . ENCOURAGING CREDITWORTHINESS.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that—